T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

| Date: | | | 09-May-08 | APPL. S. N: | 09660579 | | | | |
|------------------------|------------------------|--|--|--|---------------------------|--|--|--|--|
| To Exami | ner: | | VU, NGOC | Art Unit | 2623 | | | | |
| From | | | Jefferson, Henry PARALEGAL SPCECIALIST | Return This Memo To: Case Drop-Off Location | JEF-2D68 | | | | |
| SUBJECT | r: Decisio | n on Terminal | Disclaimer(T.D.) filed: | | | | | | |
| form para or have a | agraphs i iny quest | dentified by th ions, please se | is informal memo in your next (se me or the Special Program Ex | sults as set forth below. If you ag Office action to notify applicant of kaminer. THIS IS AN INFORMAL, RECORD IN THE APPLICATION FI | the T.D. If you disagree | | | | |
| please in | itial, date | and return thi | is memo to me. THANK YOU. | | | | | | |
| V | The T.D. | is PROPER and | d has been recorded (see 14.23 |). | • | | | | |
| 口 | The T.D. | is NOT PROPE | R and has not been accepted fo | r the reason(s) checked below (s | ee 14.24): | | | | |
| - | | The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account | | | | | | | |
| | | The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01). | | | | | | | |
| | Γ | The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01). | | | | | | | |
| | Γ | The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termina portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02). | | | | | | | |
| | Γ | The person who signed the T.D.: | | | | | | | |
| | • | is no | ot an attorney "of record" (see 1 | 14.29 and 14.29.01). | | | | | |
| | | has has | failed to state his/her capacity t | to sign for the business entity (se | e 14.28). | | | | |
| | | is no | ot recognized as an officer of the | e assignee (see 14.29 & possible | 14.29.02). | | | | |
| | | No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30). | | | | | | | |
| | | The T.D. is no | t signed (see 14.26 & 14.26.03 |). · | | | | | |
| | | The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32). | | | | | | | |
| | | The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05). | | | | | | | |
| | | The period dis | sclaimed is incorrect or not spec | rified (see 14.26, 14.27.02 or 14. | 26.03). | | | | |
| | | Other: | | | T. | | | | |
| | | Suggestion to and do not ch | | OTE: If already authorized, credit | refund to deposit account | | | | |
| I have ap | propriate | ly notified app | licant(s) of the status of the Te | rminal Disclaimer filed in this case | e. | | | | |
| Ex.Initials | s: | Date | i: | | Log Date: | | | | |
| | | | | | | | | | |

| Application Number | Application/Control No. 09/660,579 | | Applicant(s)/Patent under Reexamination WALKER ET AL. | | | | | |
|-----------------------------|---|--|---|----------------------|--|--|--|--|
| Document Code - DISQ | Internal Doc | | ocument – DO | cument – DO NOT MAIL | | | | |
| | | | | | | | | |
| TERMINAL DISCLAIMER | ⊠ APPROVED | | ☐ DISAPP | ☐ DISAPPROVED | | | | |
| Date Filed : April 23, 2008 | This patent is subject to a Terminal Disclaimer | | | | | | | |
| | | | | | | | | |
| Approved/Disapproved by: | | | | | | | | |
| Henry d. Jefferson | | | | | | | | |
| | | | | | | | | |

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| REJECTION OVER A "PRIOR" PATENT | 96-067-C1 |
|---|--|
| In re Application of: Walker et al. | |
| Application No.: 09/660,579 | · |
| Filed: September 12, 2000 | |
| For: SYSTEM AND METHOD FOR SUPPLYING SUPPLEMENTAL AUDIO INFORMATION FOR BROWN | OADCAST TELEVISION PROGRAMS |
| The owner*, Walker Digital LLC , of 100 percent interest in except as provided below, the terminal part of the statutory term of any patent granted on the instant the expiration date of the full statutory term prior patent No. 6,209,028 as the term of said and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The granted on the instant application shall be enforceable only for and during such period that it and the agreement runs with any patent granted on the instant application and is binding upon the grantee, its | id prior patent is defined in 35 U.S.C. 154 owner hereby agrees that any patent so prior patent are commonly owned. This |
| In making the above disclaimer, the owner does not disclaim the terminal part of the term of any pate would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened | e prior patent, "as the term of said prior |
| Check either box 1 or 2 below, if appropriate. | |
| For submissions on behalf of a business/organization (e.g., corporation, partnership, universit etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that a | |
| belief are believed to be true; and further that these statements were made with the knowledge that made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United statements may jeopardize the validity of the application or any patent issued thereon. | t willful false statements and the like so |
| 2. The undersigned is an attorney or agent of record. Reg. No. 33,384 | |
| Stephan Felipik | April 23, 2008 |
| Signature | Date |
| Stephan J. Filipek | <u> </u> |
| Typed or printed name | |
| | (203) 461-7252 |
| | Telephone Number |
| Terminal disclaimer fee under 37 CFR 1.20(d) included. | • |
| WARNING: Information on this form may become public. Credit card inform be included on this form. Provide credit card information and authorization | |
| *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324. | |

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiallty is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.